

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ADRIENNE M. JOHNSON,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	NO. 20-1296
	:	
ANDREW SAUL, COMMISSIONER	:	
OF SOCIAL SECURITY,	:	
Defendant.	:	
	:	

MEMORANDUM OPINION

Perkin, M.J.

November 18, 2020

The applications for disability insurance benefits and supplemental security income under Titles II and XVI of the Social Security Act, 42 U.S.C. §§ 401-33, 1381-1383, filed by the Plaintiff, Adrienne Johnson, were denied by the October 23, 2018 decision of Administrative Law Judge (“ALJ”) J. Dell Gordon.¹ Ms. Johnson appeals from that decision and contends that the ALJ’s unfavorable decision was reached in error. (ECF No. 13 at 4-7.) Ms. Johnson’s sole argument is that ALJ Gordon’s appointment was improper under the Appointments Clause of the Constitution. *Id.*

In response, the Commissioner of Social Security (“Commissioner”) concedes that further development of the record and re-evaluation of Ms. Johnson’s claim of disability is warranted, and he requests remand of this case. (ECF No. 14.) The Commissioner represents that Ms. Johnson’s counsel consents to his request for remand. *Id.* at 2. Because the parties agree that the ALJ erred in the evaluation of Ms. Johnson’s disability claim, her request for review is

¹ Ms. Johnson claims that she is disabled due to multiple severe medical impairments, including diabetes with neuropathy; cholecystitis; gastroparesis; colitis; hypertension; hypertriglyceridemia; obesity; iritis; headaches; and adjustment disorder with mixed anxiety and depressed mood. (ECF No. 13 at 2)(citations to Adm. Record omitted).

granted, the final decision of the Commissioner is reversed, and this matter is remanded to the Commissioner for further administrative proceedings.² On remand, the Commissioner, through the Appeals Council, will refer Ms. Johnson's case to a different Administrative Law Judge to further evaluate Ms. Johnson's claims, offer Ms. Johnson the opportunity for a new hearing, and issue a new decision.

An appropriate Order follows.

² The parties consented to the jurisdiction of a United States Magistrate Judge to conduct all proceedings in this case, pursuant to 28 U.S.C. § 636(c), including entry of final judgment. *See* ECF No. 3, ¶ 2 (referring to United States General Consent Form); ECF No. 7.